The opinion in support of the decision being entered today was <u>not</u> written for publication and is <u>not</u> binding precedent of the Board.

Paper No. 13

UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED**

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GLENN REID

Appeal No. 2005-0502
Application No. 09/680,107

ON BRIEF

Before KRASS, GROSS and BLANKENSHIP, <u>Administrative Patent Judges</u>.

KRASS, <u>Administrative Patent Judge</u>.

### Decision On Appeal

This is a decision on appeal from the final rejection of claims 1-26.

The invention is directed to manipulating a time-based stream of information. In the example of a video which is to be edited, in the prior art, a presentation was edited to modify the video output, but a view of the edited time based stream of information during the editing process was unable to be

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displayed. The instant invention seeks to employ a proxy, whereby a user may input edit commands to modify the information in forming the presentation and, in response, the presentation is modified, e.g., an edit feature is added, to create a revised presentation. During the rendering of modifications, a proxy of the revised presentation is also generated. The proxy is a simulation of the modifications that indicate how the modified presentation will appear once rendered.

Representative independent claim 1 is reproduced as follows:

1. A method for manipulating a presentation of a time based stream of information in a processing system, the method comprising:

A) adding an edit feature to the presentation to create a revised presentation in response to a user edit command, and

B) creating a proxy of the revised presentation and displaying the proxy during the adding.

The examiner relies on the following reference:

Gould et al. (Gould)        6,501,476        Dec. 31, 2002
                                             (filed Jul. 28, 1999)

Claims 1-26 stand rejected under 35 U.S.C. § 102(e) as anticipated by Gould.

Reference is made to the briefs and answer for the respective positions of appellant and the examiner.

OPINION

A rejection for anticipation under section 102 requires that the four corners of a single prior art document describe every element of the claimed invention, either expressly or inherently, such that a person of ordinary skill in the art could practice the invention without undue experimentation. In re Paulsen, 30 F.3d 1475, 1478-79, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

The examiner asserts that Gould teaches the instant claimed subject matter in the following manner:

The abstract and Figures 1 and 3 teach a method of manipulating a presentation of a time based stream of information in a processing system.

Figure 3, column 3, lines 40-49; column 4, lines 19-44; column 5, lines 61-67; and column 6, lines 1-22 teach adding an edit feature to the presentation to create a revised presentation in response to a user edit command.

Figure 3, column 3, lines 40-49; column 4, lines 19-44; column 5, lines 61-67; column 6, lines 1-22; column 9, lines 38-67; and column 10, lines 1-65 teach creating a proxy of the revised presentation and displaying the proxy during the adding.

Appellant contends that Gould does not teach the claim limitation of creating a proxy of the revised presentation and displaying the proxy during the adding.

We have reviewed the evidence of record, including the arguments of appellant and the examiner and we conclude from such a review that the instant claimed subject matter is not anticipated by Gould.

Accordingly, we will not sustain the rejection of claims 1-26 under 35 U.S.C. § 102(e).

The dispute between appellant and the examiner appears to revolve around the meaning of a "proxy," as claimed. While appellant argues that a proxy is a simulation of the modifications that indicate how a modified presentation will appear once rendered, the examiner argues that this definition cannot be found in the claims. The examiner further finds that since the specific claim limitation only calls for "creating a proxy of the revised presentation and displaying the proxy during the adding," this is met by Gould "because a representation/output of the proxy effect meets the claim limitation of 'a proxy' and a representation/output of one of the successive proxy effects in a chain of proxy effects as applied

to the presentation or revised presentation constitutes 'a proxy of the revised presentation'..." (answer-pages 10-11).

Since the meaning of the claim limitation, "proxy," is in dispute, we turn to the instant specification for an understanding of that term as it is employed by appellant in the instant claims. During prosecution of an application, terms found in the claims are given their broadest reasonable interpretation which is not inconsistent with the disclosure. In re Cummings, 390 F.2d 1018, 157 USPQ 47 (CCPA 1968); In re Dailey, 479 F.2d 1398, 178 USPQ 293 (CCPA 1973).

Appellant's definition of a "proxy" appears on lines 7-9 of page 5 of the specification.

Moreover, the "proxy" is discussed at page 16 of the instant specification. Therein, it is disclosed that a proxy editor creates "a pseudo rendered version of the edits, referred to as a 'proxy' 212" (lines 5-6); that the proxy editor causes the processor to "simulate the edit feature..." (line 7); that the processor "may multitask the rendering of edits and creating of the proxy" (lines 10-11); that the "proxy may imitate the edit feature that is actually being rendered" (line 16); and that the proxy editor "may instruct the mimicking of the character, size, font and otherwise appearance of the text" (lines 19-20).

Thus, it is clear to us, from the instant specification, that a "proxy," as disclosed and claimed, must refer to a "simulation" or an "imitation" of the edit features. Accordingly, we find as reasonable, appellant's assertion that the claimed "proxy" must involve a "simulation of the modifications that indicate how a modified presentation will appear once rendered" (principal brief-page 8 and page 5 of the specification).

Gould mentions a "proxy effect" (column 4, line 22 et seq.), but each such effect has an associated cache for storing the effect's output as soon as it becomes available, allowing re-use of data from effects in a chain of effects. Gould never mentions these "proxy effects" as any type of "simulation." On the contrary, it appears that Gould is concerned with images that are rendered in accordance with a set priority (see the abstract, for example), wherein the rendering is of the <u>actual</u> output, rather than of a <u>simulation</u> of the output.

The examiner argues that since Gould teaches a cache memory for storing the proxy effect's output as soon as it becomes available and the output of the proxy effect must either be generated or, if available, retrieved from a cache store, the cache copy is a "temporary" or "substitute" output, thus meeting the proxy meaning of a "simulation." While we applaud the

examiner's creativity in attempting to meet the claim language by this "broad' interpretation, we find ourselves in agreement with appellant that the output of the cache is a *portion* of the final output; it is not a *substitute,* or a *simulated*, output, as required by our interpretation of the claimed "proxy."

Whether the cache is outputting a portion of the final output, or the entire final output, it is still the *actual* output that is being retrieved from the cache. It is not a simulated output, or a "proxy," as in the claimed invention.

Since the examiner has not convinced us that Gould teaches the claimed creation of a "proxy," of the revised presentation, as claimed, we will not sustain the rejection of the independent claims 1, 8, 15, and 21, or of any of the claims dependent thereon, under 35 U.S.C. § 102(e).

The examiner's decision is reversed.

REVERSED

ERROL A. KRASS                          )
Administrative Patent Judge             )
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                                        )
ANITA PELLMAN GROSS                     )   BOARD OF PATENT
Administrative Patent Judge             )      APPEALS
                                        )       AND
                                        )   INTERFERENCES
                                        )
                                        )
HOWARD B. BLANKENSHIP                   )
Administrative Patent Judge             )

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